

REMARKS/ARGUMENTS

The Office Action mailed 12/17/2003 has been carefully reviewed. The Office Action was non final. Reconsideration of this application, as amended and in view of the following remarks, is respectfully requested. The claims presented for examination are: claims 1-36.

**35 USC 103 Rejection**

In numbered paragraph 3 of the Office Action mailed 12/17/2004 claims 1-8, 10-17, 19-26, and 28-35 were rejected under 35 USC 103(a) as allegedly being unpatentable over the

**Primary Reference, Busche et al (Busche)**, US 6,430,547 B1, 06 August 2002 in light of the

**Secondary Reference, Agrawal (Agrawal)**, US 6,230,151 B1, 08 May 2001 in further light of the

**Tertiary Reference, Yamada et al (Yamada)**, US 5,319,740, 07 June 1994.

**Applicants' Response to 35 USC 103 Rejection**

In Applicants' response filed on November 21, 2003 thirteen (13) differences between Applicants' invention and the Busche Reference and the Agrawal Reference were itemized and arguments were made explaining reasons Applicants' invention is unobvious under the provisions of 35 USC 103(a). The arguments and the thirteen (13) itemized differences between Applicants' invention and the Busche Reference and the Agrawal Reference are incorporated in Applicants' present Amendment by this reference. Applicants will concentrate on the additional issues raised by Applicants' current amendment to the claims.

Applicants have amended the four independent claims, claims 1, 10, 19, and 28, to include the following elements: "a multiplicity of processors," "an object oriented module to read said data and partition said data files among said

~~multiplicity of processors," "an object oriented module to parallel sort said data using said multiplicity of processors, if sorting is necessary," "partitioning said data files among said multiplicity of processors," and "parallel sorting said data using an object oriented module and said multiplicity of processors if sorting is necessary."~~

The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966) that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) include, "ascertaining the differences between the prior art and the claims at issue." Applicants will identify differences between Applicants' claimed invention and the system shown in the Primary Busche Reference. Applicants will show that the Busche system lacks specific claim elements of applicants' four independent claims.

The Busche data mining subsystem 410 uses collection point location database 404, physical sample database 406, and instrument reading database 408 to discover relationships between the collected physical samples and the collected instrument data. Spatial analysis subsystem 412 uses collection point location database 404, physical sample database 406, and instrument reading database 408 to process, plot, and display spatial information. GIS 402, data mining subsystem 408, and spatial analysis subsystem 412 transfer information as appropriate.

The Busche system does not use parallel processing. The Busche system lacks the following specific elements of Applicants' claims: "a multiplicity of processors," "an object oriented module to read said data and partition said data files among said multiplicity of processors," "an object oriented module to parallel sort said data using said multiplicity of processors, if sorting is necessary," "partitioning said data files among said multiplicity of processors,"

and "parallel sorting said data using an object oriented module and said multiplicity of processors if sorting is necessary" under the Graham v. John Deere factual inquiries of the differences between the prior art and the claims at issue for establishing a background for determining obviousness under 35 U.S.C. 103(a).

There is no suggestion or motivation, in either the Secondary Agrawal Reference or the Tertiary Yamada Reference to modify the two references or to combine the two references to meet Applicants' claims. The references separately, or even if combined, do not teach or suggest the claim limitations of the amended claims and Applicants respectfully submit that the 35 USC 103(a) rejection in numbered paragraph 3 of the Office Action mailed 12/17/2004 does not apply to the amended claims.

Allowable Subject Matter

In numbered paragraph 4 of the Office Action mailed 12/17/2003 claims 9, 18, 27, and 36 were indicated to contain allowable subject matter. Applicants appreciate the indication of allowability.

SUMMARY

The undersigned respectfully submits that, in view of the foregoing amendments and the foregoing remarks, the rejections of the claims raised in the Office Action dated 12/17/2003 have been fully addressed and overcome, and the present application is believed to be in condition for allowance. It is respectfully requested that this application be reconsidered, that the claims be allowed, and that this case be passed to issue. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to call the undersigned attorney at (925) 424-6897.

Respectfully submitted,



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